

# Newsday

## LONG ISLAND

SATURDAY, APRIL 7, 2007 | LONG ISLAND EDITION

### **JUDGE: BROOKHAVEN LAB BIAS SUIT IS A GO.**

A race discrimination lawsuit filed against Brookhaven National Laboratory by two former employees is set to go forward as soon as next month, a federal judge has ruled. Malry Tardd, 51, of Quogue, and Otto White, 64, of Mount Sinai, both African-Americans who were responsible for promoting workplace diversity at the lab, sued the lab in 2004, saying that they were systematically discriminated against by lab employees, and that their pleas for help went unheeded by lab officials. Now U.S. District Court Judge Arthur Spatt has ruled that the lawsuits can go forward, though he said that allegations covered by a previous settlement agreement between Tardd and the lab can not be included in the lawsuit, except as background. Fred Brewington, of Hempstead, a lawyer for Tardd and White, said a trial date has been set

for May 21. "We're firing on all pistons," Brewington said. A spokeswoman for the lab could not be reached for comment Friday. Tardd said in the suit that he was discriminated against for a promotion in 1996, and when he complained, his co-workers harassed him daily, on one occasion taunting him while wearing a Ku Klux Klan hood and, on another, dangling a hangman's noose near his office. White, who had been chair of the lab's affirmative action advisory committee and interim manager of its diversity office, was asked to mediate on Tardd's behalf, but he soon found he was being discriminated against too, the lawsuit alleges. The lawsuit, filed in U.S. District Court in Brooklyn, seeks more than \$25 million in damages.

— ANN GIVENS